

Details Of the work Undertaken by The Commission

- 1 In June 2003 Friends of The Earth requested Harrogate Borough Council to adopt a policy to become GM Free and in particular to commit to the following:
 - To adopting a GM-free policy for all goods and services for which the council is responsible
 - To ensuring that no GM crops are grown on land over which it has control
 - To considering each prospective Genetically Modified Organism (GMO) Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission requesting that a condition under Article 19(3)(c) of 2001/18/EC be added to such marketing consent so as to exempt the Harrogate District from the scope of such consent
 - To declaring the Harrogate District to be a GM Free Zone
- 2 Friends of the Earth also gave a presentation to the Council facilitated Action for the Environment Group in November 2003. After this presentation the Cabinet Member for Environmental Health decided to refer the issue to the Environment Overview and Scrutiny Commission who agreed to progress the work to enable it to consider The Friends of the Earth proposals at its meeting on 16 February 2004.
- 3 At the Environment Commission meeting held on 22 April 2004 the Commission considered relevant background information in connection with GM Food and agreed a scope for the work and that a Special meeting of the Environment Commission be arranged with representations from relevant organisations both for and against to consider the GM Food debate.
- 4 The Commission considered evidence from Friends of the Earth and CropGen at an informal public meeting held at the Sun Pavilion on 30 November 2004 with representatives from other relevant organisations and the public.
- 5 Information concerning procurement issues and GM food for Harrogate Borough Council was considered at the Commission meeting held on 20 June 2005.
- 6 Information concerning restricting the use of GM food on Council-controlled land, to considering each prospective GMO Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission and declaring the Harrogate District a GM free zone were considered at the Commission meeting held on 12 September 2005.
- 7 At the Commission meeting held on 24 October 2005 the Environment Overview and Scrutiny Commission considered all the evidence that it had received

concerning GM food. It based its discussions on the commitments that Friend of the Earth had requested the Council to undertake.

Environment Commission Review

<p>1</p>	<p><i>Review definition</i></p>	<p>In response to a request from Friends of the Earth Cabinet has requested that The Environment Overview and Scrutiny Commission undertake the following:</p> <p>Investigation into whether Harrogate Borough Council should become a GM free Council. i.e ensure that as far as possible the District will be kept free of GM crops and GM food and feed</p>
<p>2</p>	<p><i>Aims/Objectives of the review</i></p>	<ul style="list-style-type: none"> • Give a view to Cabinet whether a policy decision should be taken to become a GM free Council • Establish what the implications are for declaring the District a GM free area • Investigate the issue of GM crops • Consult local residents and organisations. • Produce a Report and Findings to refer to Cabinet
<p>3</p>	<p><i>Research/evidence required</i></p>	<ul style="list-style-type: none"> • Seek evidence from other authorities • Seek legal advice regarding the implications <ul style="list-style-type: none"> • Identify what goods and services the council is responsible for will be affected • What is the view from Central Government • Consultation
<p>4</p>	<p>What scrutiny methods will be used</p>	<ul style="list-style-type: none"> • Survey of local organisations/Inviting them to give evidence • Written evidence • Presentations

5	Which Council services, members and external agencies will be involved	<ul style="list-style-type: none"> • Health and Housing • Cabinet Member for Environmental Health • Economic Development Unit • Action for the Environment Members • Yorkshire Agricultural Society • N.F.U. • Friends of the Earth • CLA • Others?
6	How the public and other stakeholders will be involved	<ul style="list-style-type: none"> • Invitation to give evidence
7	How the issue will be scrutinised e.g Working Group/Panel/full Commission investigation or quick action by one or two named individuals	To be agreed
8	Timescale for review, key stages and resources required	<ul style="list-style-type: none"> • Commence late February/early March 2004
9	Evaluation and follow up to Findings	To be agreed

Details of the information received by the Commission and the public meeting regarding GM food

- 1 At its meeting held on 22 April 2004 the Commission considered background information concerning GM food. This information included the following:
 - The scope of the review agreed by the Commission at its meeting on 16 February 2004.
 - The Booklet 'Now or never' Why you should make your area GM Free distributed by Friends of the Earth with their original letter
 - An introduction to the issue of GM Food published by the Food Standards Agency called 'GM Food Opening up the debate'
 - A map indicating those areas where genetically modified crops can be grown in Britain

GM Food

- 2 At this meeting the Commission also considered the developments regarding GM food and the current position nationally. Evidence was presented that included the following information:
 - In May 2002 the Secretary of State for the Environment, Food and Rural Affairs agreed to the principles of a public debate on GM issues. It was agreed that this would take place together with an assessment of the overall costs and benefits of GM Crops, by the Prime Minister's Strategy Unit and an independent review of the science of GM to be chaired by the Government's Chief Scientific Adviser
 - The debate would cover the full range of issues raised by GM technology and there was a promise that the UK Government would listen to the outcome of the debate and respond to it in public. An independent Steering Group was therefore set up to organise the debate at arm's length from the Government.
 - Information concerning the debate
 - An Executive summary of the results of the debate that was published on 23 September 2003.
 - An Executive Summary of the results of the assessment of the overall costs and benefits of GM Crops that was published in July 2003.
 - The GM Science Review First Report published in July 2003 and the GM Science Second Report published in January 2004.

- The statement made by the Secretary of State for Environment, Food and Rural Affairs on 9 March 2004 setting out the Government's overall policy on GM crops after consideration of the GM Public Debate, Science Review and the Cost and Benefit Study (See above). The full written response is available on request together with the results of the Farm Scale Evaluation (FSE) Trials and the Report by the Agriculture and Environment Biotechnology Commission on co-existence and liability issues

- A press release dated 1 April 2004 concerning one of the major manufacturers of GM crops in Britain.

Informal Public Meeting

3 The Commission invited the following groups to attend an informal public meeting that was held on 30 November 2004. The groups that were invited to attend included the following:

- CropGen
- Knaresborough Allotments Self-Help Scheme
- Yorkshire Agricultural Society
- Organic Farmers and Growers Limited
- Friends of the Earth

- Greenpeace
- Professor Dianne Bowles, York University (Participated in the Science Review See 2)

- Defra
- The Biotechnology Commission
- The Royal Society
- The Food Standards Agency
- The Country Land and Business Association Yorkshire
- The British Society of Plant Breeders
- The Soil Association
- Monsanto UK Ltd
- Bayer CropScience Limited

- 4 At the meeting Friends of the Earth (Emily Diamond) and CropGen (Professor Vivien Moses) presented evidence to the Commission.

Friends of the Earth

- 5 The evidence presented by Friends of the Earth considered the state of the farming industry in the UK and the decline of farmland birds and wildlife. Genetic modification was described in that it was the transfer of genes from one organism to another with the associated issues and results and that it can lead to unintended effects. The main GM crop growing countries were identified as the US, Canada, Argentina and China and they accounted for about 99% of commercial GM crops. The various Government investigations were detailed and it was noted that the Commission had seen information related to these investigations previously. The issue of containing GM crops was considered and the difficulties associated with it including evidence of contamination where GM crops have been grown. The practical implications of growing GM crops in

Harrogate were also detailed and the practical benefits of a “GM Free” policy including a list of other “GM Free” authorities.

CropGen

- 6 The evidence presented by CropGen concerned the “Realities about agricultural biotechnology”. It considered the main issues surrounding agricultural biotechnology such as how GM crops differ from others, the safety of food derived from GM sources, advantages and disadvantages, who uses GM agriculture, the benefits and wider implications, co-existence and GM free zones. It was suggested that when these issues were considered GM crops and food came out favourably and some of the potential benefits were detailed

The specific issues that Professor Vivien Moses raised on behalf of CropGen included the following:

- Even organically grown food is permitted to use certain pesticides and even some non-organic products. There is no evidence that organically grown food is safe and there is not the same regulation on its production as for GM food.
- GM crops required less tilling, less pesticide, produced more crops, were cheaper to produce and with the increasing requirement for food in the future existing farming technology would be unable to produce enough.
- Drugs and vitamins use GM ingredients and cross-pollination happens all the time in nature and the existing safeguards seem adequate as there are no indications that it is not safe.
- On balance would it not be better to let individual farmers and the public decide without imposing a limitation on this choice by banning GM food.

Details of the consideration by the Commission regarding adopting a GM-free policy for all goods and services for which the council is responsible

- 1 The results showed that there was a mixed provision across the Council. In some cases suppliers have a clear policy and statement that they are GM free, in other cases this is not known or has never been enquired about by the Council. There were no examples where suppliers specifically indicated that they were not GM free.
- 2 Suppliers themselves may also have had a mixed provision for example where their own branded items were GM free but they also supplied other named brand items that were not
- 3 This raised a number of related issues for consideration such as GM products in the supply chain and monitoring compliance with policy. As an example when buffet catering is considered the policy would need to cover all of the ingredients that make up the food served. In some cases the supplier to the Council (themselves part of a supply chain) guarantees GM free to the Council, but will be relying on their suppliers' GM free status. Another issue identified was how far the Council could and should monitor its suppliers' compliance with their policies, and how far it expects its suppliers to monitor their suppliers' compliance. Another issue that would arise is the booking and use of Council-owned property for example catering for private functions and how far any policy regarding GM food would affect this.
- 4 It was also noted that the Procurement Strategy was being rewritten to bring it into line with the National Procurement Strategy. In addition to this the Environment Strategy was being reviewed and updated. A key feature of both these strategies is the Council's approach to its social responsibility, including environmentally friendly, ethically sound and GM free policies and therefore any recommendations from the Commission on this issue would affect both of these strategies.

APPENDIX E

Details of the Commissions' consideration of restricting the use of GM food on Council-controlled land, to considering each prospective GMO Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission and declaring the Harrogate District a GM free zone

Ensuring that no GM crops are grown on land over which the Council has control

- 1 The Estates division manages a sizeable agricultural estate where a range of tenancies have been entered into. The oldest form of tenancy agreements are under the Agricultural Holdings Act where the tenants have rights of succession for up to three generations if they choose, two farms are held on this basis. In addition, there are parcels of land, that are held on more medium term agreements, being farm business tenancies, which are for a fixed term. On a more casual basis there are annual grazing licences for smaller parcels of land. There are also a number of allotment lettings.
- 2 In all these agreements where existing tenancies are in place the Council does not effectively have the legal power to impose on tenants a requirement that they do not grow GM crops. The ability of the Council to control what is grown on its' tenanted land is therefore limited to the granting of new tenancies. However there is also some uncertainty as to whether the Council can introduce a requirement that no GM crops are to be grown in new tenancies or in existing tenancies by agreement as there has been litigation in the past concerning attempts by Councils to impose bans on their land.
- 3 The Commission was advised that if it would like to pursue this matter further then Counsel's opinion could be sought as to whether the Council has the power to include such terms in agreements or the Council could simply write to tenants promoting GM free crops/products.
- 4 It was also the view that there would be no scope for banning Council house tenants growing GM plants in their gardens as the ban would be effectively un-enforceable. Tenants could be given information about GM crops and the Council's stance on this issue, and then asked not to use GM plants in their gardens.

To considering each prospective GMO Marketing Consent and, where appropriate, writing to both the Secretary of State for Environment Food and Rural Affairs and to the European Commission requesting that a condition under Article 19(3)(c) of 2001/18/EC be added to such marketing consent so as to exempt the Harrogate District from the scope of such consent.

- 5 East Riding of Yorkshire Council obtained advice regarding this issue from The Department for Environment and Rural Affairs (defra). This information stated that the Directive (Article 19 of 2001/18/EC) sets the rules by which the

European Commission and the 15 EU member states decide whether to allow GM products (including GM crops) to be used in the EU. It is based on the principle that each GM product will only be authorised if it passes the detailed safety standards set by the Directive.

- 6 Each potential GM product is judged according to scientific evidence of risk to human health or the environment. If a consent is granted for commercial release, a **Part C consent**, (referred to in the proposal from Friends of the Earth) it will be subject to conditions of consent which dictate how it may, and may not, be used. These conditions could include the period for which it is valid, how the GM product will be monitored, etc so in theory it is possible that consent approving the use of a particular GM product may contain conditions restricting the use of that product in a particular geographical area for example the Harrogate District. The advice from defra however is that this is based on a misinterpretation of Article 19.3(c) of the Directive (referred to in the proposal from Friends of the Earth) which requires the authorities to specify conditions of consent including "...conditions for the protection of particular ecosystems/environments and/or geographical areas". Any such request could only be considered if sound scientific evidence was put forward to demonstrate that the GM product in question posed a particular risk to the area in question. In practice, "the close environmental/ecological proximity of different parts of the UK and Northern Europe makes it likely that a risk posed in one territory would be a risk posed to other areas too..... and this would make it unlikely that a consent for use would be given at all". In other words there would be no justification for declaring that certain GMO's could not be used in the Harrogate District as a decision such as this would have to be based on evidence of risks to humans or the environment. If there were such risks in relation to the Harrogate District they would apply to the rest of the community as well and no consent would be given.
- 7 The legal advice from Harrogate Borough Council is that an exemption limited to Harrogate alone would probably be beyond the powers of the Directive and would not have the support of the Government. The Council would therefore have to consider the justification for seeking such an exemption.

Declaring the Harrogate District to be a GM Free Zone

- 8 It is clear from the evidence received that the Directive above does not give the Secretary of State power to declare areas GM free and there is no power to declare that GMO's should never be used in a particular area.
- 9 It was also reported that there was no clear and unambiguous definition of 'GM Free Zone' and therefore the Council would have to decide what it wanted this to mean. The Commission would have to consider what this could mean taking into account the limitations on any potential Council action based on the evidence detailed previously and how this would be perceived by the public.

Other Issues

- 10 Other issues that were raised concerning the implications of a GM free status included the work required across Departments to promote and publicise the status and the ongoing monitoring and compliance.

11 The Council's Environmental Policy commits the Council to protecting and enhancing the District's natural and built environment. The Harrogate and District Strategic Partnership's Community Plan priority 'Care for the Environment' also contains a commitment to promoting diversity. There is the view from Friends of the Earth and other advocates of GM free status that Genetically Modified Organisms (GMO) adversely affect diversity that goes against these policy commitments.